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April 27, 2023

Submitted via ECF

Honorable Michael A. Hammer, U.S.M.J.
Martin Luther King Building & U.S. Courthouse
50 Walnut Street
Newark, New Jersey 07101

Re: Response to Defendants' Letter dated April 27, 2023
Doe v. Rutgers, et al., Civil Action No. 21-20763 (D. N.J.)

To the Honorable Judge Hammer,

This Court has scheduled a teleconference on May 4, 2023, which is when counsel will discuss the matters raised for a *second time* by Defendants in their letter today. (ECF No. 81.) On April 21, 2023, Defendants asked Plaintiff to join in requesting an earlier teleconference date, which she declined to do. Defendants failed to indicate her lack of consent to the request in their letter to the Court despite their conferring on the same. (*Id.*)

During recent meetings to confer, Plaintiff expressed concerns verbally and in writing about Defendants' gamesmanship in seeking to delay summary judgment by prolonging expert discovery. Despite these concerns, based on the Court's encouragement, Plaintiff has agreed in good faith to extend expert discovery rebuttal deadlines while remaining clearly opposed to any stay of expert discovery. (ECF No. 70.) As previously noted by Plaintiff, Defendants chose not to file any motion to dismiss her damage claims despite having the opportunity to do so, such that they should not be allowed to delay expert discovery (and thus summary judgment), as they have twice argued. (ECF Nos. 69, 81.)

Plaintiff is confident she can win her summary judgment motion on Title IX claims due to the lack of any dispute regarding Defendant Rutgers failure to promptly resolve her on-campus sexual assault claims for over a year without good cause for such egregious delays. Plaintiff will address any *Cummings* arguments raised by Defendants during summary judgment, which is the appropriate time, to avoid Defendants' ongoing efforts to force a preview of such legal arguments. (ECF No. 70.) Finally, Plaintiff again notes that her expert reports address physical harms not just emotional distress, despite Defendants withholding this fact from the Court. (ECF Nos. 69, 70, 81.)

Plaintiff will reserve further arguments for the May 4, 2023, teleconference. Please note that lead counsel for Plaintiff is scheduled to be overseas and traveling during this time, but will do her best to attend and ensure that co-counsel will be present regardless.

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Respectfully submitted,

/s/ Laura L. Dunn

Laura L. Dunn (*pro hac vice*)

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